

## REMARKS

### Introduction

Claims 1-18 and 21-26 are pending in this application, of which claims 1, 10, 18, and 23 are independent. All the claims stand rejected under 35 U.S.C. §103. Reconsideration of the rejection is respectfully solicited for the reasons set forth below.

### **II. The Rejection of Claims 1-18 and 21-26**

Claims 1-18 and 21-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Morimoto et al. in view of Yamada et al. This rejection is respectfully traversed.

#### Claims 1-17 and 21-26

Although Applicants disagree that the claimed invention is obvious predicated upon Morimoto et al. in view of Yamada et al., to expedite prosecution of the application, Applicants submit that with respect to claims 1-17 and 21-26, Morimoto et al. cannot be prior art to the present application under 35 U.S.C. §103.

Morimoto et al. have an effective filing date of February 25, 2000, for the purposes of being utilized as prior art against pending US patent applications. However, the instant application has a priority date of November 11, 1999, based on the claim of priority to Japanese patent application No. 11-329853. Applicants submitted a certified translation of the priority document in order to perfect the claim of priority. Thus, Morimoto et al. are not entitled to be prior art to the instant application.

As long as Morimoto et. al. is not entitled to prior art of this application, the Examiner's reliance on the proposed combination of Morimoto et al. in view of Yamada et al. no longer is acceptable. Applicants, therefore, submit that the imposed rejection of claims 1-17 and 21-26

under 35 U.S.C. §103 for obviousness predicted upon Morimoto et al. in view of Yamada et al. is not viable and, hence, respectfully solicit withdrawal thereof.

Claim 18

It appears that claim 18 may not be described in the priority document, Japanese patent application No. 11-329853. Accordingly, Applicants will discuss differences between the claimed invention and the applied combination of Morimoto et al. and Yamada et al. that render claim 18 over the combination of the cited prior art.

Claim 18 recites “[generating] an image, representing the object substantially in its real size when presented on the display, by scaling the image up or down in accordance with three-dimensional positional information of the object obtained from the image of the object.”

Morimoto et al. describe a digital camera comprising a display for displaying an image of an object and a specifying unit for specifying a plurality of measuring points on the display. An actual area of a region surrounded by the plurality of measuring points specified by the specifying unit are calculated by a calculator. See Abstract. Applicants note that this reference simply describes measuring an area specified by the measuring points and measuring a height of an object. Yamada et al. also disclose a size display system for an electronic camera, in which size information about an object can be obtained. See Abstract.

In contrast, the claimed invention is configured for generating an image representing an object substantially in its real size when presented on a display. Neither Morimoto et al. nor Yamada et al. do not teach generating an image representing an object substantially in its real size when presented on a display, by scaling the image up or down in accordance with three-dimensional positional information of the object obtained from the image of the object, as claimed.

Accordingly, Applicants submit that the applied combination of Morimoto et al. and Yamada et al. does not teach an image processor including all the limitations recited in claim 18 within the meaning of 35 U.S.C. §103. Applicants, therefore, respectfully solicit withdrawal of the rejection of claim 18 and favorable consideration thereof.

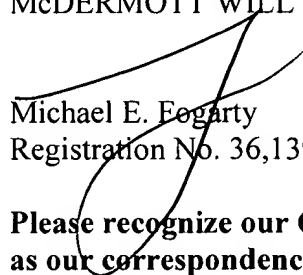
**III. Conclusion**

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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